Remarks

Claims 1-11 are pending in the above-identified application. Claims 1-3, 6-8 and 10-11 were previously cancelled. Claims 4 and 9 were previously amended. Claim 5 is original. Claims 12 and 13 are new.

In the final Office Action the Examiner rejected claims 4, 5, and 9 under 35 U.S.C. § 103(a). The Examiner has again stated that it would be obvious to combine the cited references. However, it has not been clearly shown why one skilled in the art would select these two references to combine and how it would be possible to interface these two systems. New claims 12 and 13 have been added, without the addition of new matter, to more clearly define Applicant's invention. The following arguments have been previously presented.

Embodiments of the present invention allow a packet-based telephony network to hand off a call to a circuit-switched telephony network when the call invokes features that are not supported by the packet-based network, but are implemented by the circuit-switched network. The bearer channel for the call is initially transmitted from an access tandem or end office to a media gateway, such as a packet voice gateway, where the call is transmitted onto a packet-based network, such as an I P-based connection or an ATM transport. Meanwhile, an initial address message associated with the call is received by a call processing entity such as a connection gateway, which forwards the message to a feature server call processing entity within the packet network. The feature server determines from the initial address message the type of feature invoked by the call.

If the call invokes a feature that is not supported by the feature server, the feature server conveys a routing message to a terminating connection gateway, indicating that the call should be routed to a legacy circuit-switched switching system for processing. The routing message may include a trunk selection parameter, whereby the feature server specifies one of a plurality of voice trunks in a shared trunk group upon which the call should be routed to the legacy switch. Because the calls routed to the circuit-switched switching system are partitioned based upon the type of feature invoked, the switching system requires no further input or interaction with the packet-based network media gateway. The calls are received as if they were coming directly from the access tandem. Finally, the circuit-switched telephony network provides the invoked feature. The call may then be either routed to its destination via the circuit-switched network, or sent back onto the packet-based network for routing to its destination.

Claim Rejections - 35 U.S.C. §103:

MPEP §706.02(j) states:

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art and not based on applicant's

disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

MPEP §2143.01 states:

"Obviousness can only be established by combining or modifying the teachings of the

prior art to produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either explicitly or implicitly in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. The test for an implicit showing

is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of

the problem to be solved, as a whole would have suggested to those of ordinary skill in the art.

In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine,

837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992)."

To establish a prima facie case of obviousness, it must be demonstrate that all of the

following elements: 1) suggestion or motivation, either in the references themselves or in the

knowledge of one of ordinary skill in the art, to combine the reference teachings; 2) reasonable

expectation of success found in the prior art; and 3) the prior art references (combined) must

teach or suggest all of the claim limitations. The prima facia case of obviousness determination

has not been made out. Thus, the opinion of obviousness is deficient and the Applicants are

deserving of a patent.

Cheesman et al. teach a method and apparatus for completing inter-switch calls using a

single large trunk group connected to ATM facilities. In a first embodiment, all non-featured

inter-switch calls are routed to the ATM facilities over the single large trunk groups. In a second embodiment, all inter-switch calls are routed to the ATM facilities over the single large trunk group. A call manager associated with the signaling network and the ATM facilities controls call routing. The advantage is a significant simplification in the translation and routing tables at the switches in the telephone network, resulting in significant savings related to the maintenance of a plurality of trunks groups at each switch (see Abstract of Cheesman et al.).

It is stated in the Office Action that Cheesman et al fail to disclose routing the featured calls onto one of the trunks based on assigning trunk selection parameters. Ash et al. has been cited as disclosing a telephone system wherein the featured calls are routed based on the routing index RI.

Ash et al. teach that each DAS pattern detector determines a Routing Index (RI) in connection with the call type. The RI determines the type of routing treatment (featured, and handed off to a hand-off switch, or non-featured, and routed directly to the destination) for the call. In accordance with the invention, at least one of the DAS pattern selectors 36-1 through 36-3 establishes dynamic routing for non-featured toll calls. In other words, non-featured toll calls originating at the local switching system 24-1 of FIG. 2 are dynamically routed via the dynamic routing trunk 26-12 into and within the network 22. In contrast, the same DAS pattern selector establishes an RI dictating direct dynamic routing to the switching system 27-1 for feature processing for featured calls. In other words, the dynamically routing local switching 24-1 system of FIG. 2 routes featured toll calls via one of dynamic trunks 26-17 through 26-19 to the hand-off toll switching system 27-1. Thus, in this example, featured calls are dynamically routed directly to switching system 27-1, in contrast to non-featured toll calls which are routed to their

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destination. It is also possible in other embodiments to hand-off featured calls to one of several

hand-off toll switches. For example, in FIG. 1, local switching system 24-2 could employ

dynamic routing to hand-off featured calls to either hand-off switching system 27-1 or 27-4,

using either one or two-link connections to these hand-off switches (column 7, line 59 – column

8, line 17).

However, Cheesman clearly teaches a method for completing inter-switch calls in a

switched telephone network wherein each of the switches of the network are connected by a

single large trunk group to interfaces with ATM facilities (see column 2, 56-60). Since Ash et al.

teach not using a single large trunk group, one skilled in the art would have not consider combing

these two references.

Furthermore, the system of the present application uses a trunk selection parameter,

which can be used to identify the appropriate shared trunk group to which a call should be

assigned. The system of the present invention avoids any additional signaling (see page 11

beginning at line 20) as occurs in Ash et al.

Ash et al teach that to accomplish dynamic routing, each of the dynamically routing local

switching systems 24-1 and 24-2 derives for each originating call a set of Class-Of-Service

(COS) parameters. The COS parameters include a Service Identity factor (SI), a Transport

Capability (TC) factor and a Routing Pattern Identity (RPI) factor. The SI factor indicates the

type of service associated with the call and is based on information associated with the line or

trunk on which the call originates as well as the dialed digits. For example, each of the

dynamically routing local switching systems 24-1 and 24-2 receives voice calls on voice trunks,

although the nature of the trunk on which calls are received is not necessarily definitive of the

call type. For example, a subscriber could initiate a data call on an Integrated Services Digital Network (ISDN) access trunk, for example, via a personal computer. The dialed digits associated with an originating call are also used to determine the SI factor. (see column 7, lines 12-28).

Also, Ash et al. teach that each DAS pattern detector determines a Routing Index (RI) in connection with the call type. The RI determines the type of routing treatment (featured, and handed off to a hand-off switch, or non-featured, and routed directly to the destination) for the call (see column 7, lines 59-63).

The prima facie case requires that the reference teachings appear to have suggested the claimed subject matter. In re Rinehart, 189 USPQ 143, 147 (CCPA, 1976). There needs to a reason why the prior art would appear to show the claimed subject matter and not simply the general aspects of the invention. More specifically, there appears to be no reason why Cheesman et. al. would want to route the featured calls onto one of the trunks by assigning a truck selection parameter. To the contrary Cheesman teaches that a need exists for a network system, which can reduce the extensive number of trunk connections made to end offices, so as to reduce the total operating cost of the network. To overcome this need Chessman teaches that each of the end offices and access tandem are connected to the respective MSPs by a single large trunk group, respectively. Since Ash et al. teach that featured calls are routed to the toll switching system associated with the local switching system for feature processing, whereas non-featured calls are routed by the local switching system itself in accordance with the COS parameters, and since according to Ash the RPI governs the routing treatment given to the call in terms of routing priority, bandwidth allocation, traffic data and other parameters and is utilized in selecting an appropriate trunk for routing the call, there would be no reason to combine Ash with Chessman.
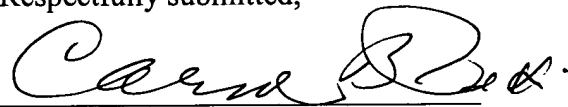
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Therefore, for the reasons set forth above, the rejections of claims 4, 5 and 9 under 35

U.S.C. § 103 have been overcome, and the Examiner is respectfully requested to reconsider these

rejections. The Examiner is also respectively requested to indicate the allowability of new claims

12 and 13.

Applicants respectfully submit that the applied references, taken singly or in combination,

assuming, arguendo, that the combination of the applied references is proper, do not teach or

suggest one or more elements of the claimed invention. Applicants have discussed herein one or

more differences between the cited prior art, and the claimed invention with reference to one or

more parts of the cited prior art. This discussion, however, is in no way meant to acquiesce in

any characterization that one or more parts of cited prior art correspond to the claimed invention.

Reconsideration and withdrawal of the rejection is therefore respectfully requested. In

view of the above remarks, allowance of all claims pending is respectfully requested.

The prior art made of record and not relied upon is considered to be of general interest

only. This application is believed to be in condition for allowance, and such action at an early

date is earnestly solicited.

Respectfully submitted,

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